

Federal requirement	Federal Register reference	Publication date
NESHAP: Surface Coating of Automobiles and Light-Duty Trucks (Non-HSWA) (Checklist 205).	69 FR 22601 .....	April 26, 2004.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VI and the State of Texas, signed by the Executive Director of the Texas Commission on Environmental Quality (TCEQ) on December 20, 2011, and by the EPA Regional Administrator on February 17, 2012, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority.* “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Texas on May 22, 1984 and revisions, supplements, and addenda to that Statement dated November 21, 1986, July 21, 1988, December 4, 1989, April 11, 1990, July 31, 1991, February 25, 1992, November 30, 1992, March 8, 1993, January 7, 1994, August 9, 1996, October 16, 1996, as amended February 7, 1997, March 11, 1997, January 5, 1999, November 2, 1999, March 1, 2002, July 16, 2008, and December 6, 2011 are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[77 FR 71349, Nov. 30, 2012]

§§ 272.2202–272.2249 [Reserved]

### Subpart TT—Utah

#### § 272.2251 Utah State-Administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Utah has Final authorization for the following elements as submitted to EPA in Utah’s base program application for Final authorization which was approved by

EPA effective on October 24, 1984. Subsequent program revision applications were approved effective on March 7, 1989; July 22, 1991; July 14, 1992; April 13, 1993; December 13, 1994; July 21, 1997; and March 15, 1999.

(b) *State statutes and regulations.* (1) The Utah regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of the Utah regulations that are incorporated by reference in this paragraph are available from the Utah Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah 84114–4880, Phone (801) 538–6776.

(i) The EPA Approved Utah Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated March 1999.

(ii) [Reserved]

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Utah Code Annotated, Volume 3A, 1998 Replacement and 1999 Supplement, Title 19: Sections 19–1–306(2), 19–1–306(3), 19–6–102 introductory paragraph, 19–6–102(1) & (2), 19–6–102(6)–(9), 19–6–102(11), 19–6–102(13)–(21), 19–6–102.1, 19–6–103, 19–6–104(1) except (1)(j), 19–6–105(1) introductory paragraph, 19–6–105(1)(a)–(f), 19–6–105(1)(i) & (j), 19–6–105(2), 19–6–106, 19–6–107, 19–6–109, 19–6–111, 19–6–112, 19–6–113(1) through (4), 19–6–113(6), 19–6–114, 19–6–115, and 19–6–116.

(ii) Utah Code Annotated, Volume 6D, 1997 Replacement and 1999 Supplement, Title 63: Sections 63–2–103 through 63–2–105, 63–2–201 through 63–2–203 (except 63–2–203(10)), 63–2–204, 63–2–205, 63–2–301 through 63–2–308, 63–2–401 through 63–2–405, and 63–2–802.

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(iii) Utah Code Annotated, Volume 3, 1953 as amended 1987, Title 26, Chapter 14: Section 26-14-8.

(iv) Utah Administrative Code revised as of January 3, 1989: R450-3.1.1(b) & (c) and R450-3-2.4(b).

(v) Utah Administrative Code revised as of February 15, 1996: Sections R315-2-14, R315-3-3(i)(1)&(3), R315-3-11(a), (b) & (f), R315-3-16(b), R315-3-23(b)(1) & (2), R315-3-23(c) & (d), R315-3-24(a) through R315-3-29, and R315-3-34.

(vi) Utah Administrative Code revised as of May 15, 1996: Section R315-15-1.1(j) & (k).

(3) The following statutory and regulatory provisions are broader-in-scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Utah Code Annotated, Volume 3A, 1998 Replacement and 1999 Supplement, Title 19: Sections 19-6-105(3), 19-6-113(5), 19-6-118, 19-6-120, and 19-6-121.

(ii) Utah Administrative Code revised as of February 15, 1996. EPA considers Utah's listing of all P999 and some F999 wastes (specifically: nerve, military, and chemical agents) as more stringent than the Federal rule. To the extent that unused chemical agents, as produced, exhibit a hazardous waste reac-

tivity characteristic, they are considered hazardous waste and, thus, are regulated under Federal rule. Utah's listing of these wastes enhances the degree of regulatory control regarding these wastes. EPA also considers Utah's rule as broader-in-scope than the federal rule for those F999 process wastes which do not exhibit a characteristic for hazardous waste and would not be regulated under Federal rule. R315-2-10(e)(1), 315-2-11(e) introductory paragraph and R315-2-11(e)(1) are broader-in-scope regarding these wastes.

(iii) Utah Administrative Code, as of May 15, 1996: R315-15-7.1(d), R315-15-10, R315-15-11 with respect to used oil transfer and off-specification used oil burning facilities, and R315-15-12 through R315-15-15 except R315-15-13.5(d).

(4) *Unauthorized State provisions:* (i) Although the Federal rules listed in the following table have been adopted by the State and have been included in the materials incorporated by reference in paragraph (b)(1) of this Section, EPA has not authorized the State for these rules at this time. While they may be enforceable under State law, they are not enforceable under RCRA:

Federal requirement	FEDERAL REGISTER reference	Publication date
Standards for Generators of Hazardous Waste; Manifest Renewal (Revision Checklist 58).	53 FR 45089	11/8/88
Removal of Legally Obsolete Rules (Non-HSWA provisions) (Revision Checklist 144).	60 FR 33912	6/29/95
Testing and Monitoring Activities Amendment III (Revision Checklist 158) .....	62 FR 32452	6/13/97

(ii) Additionally Utah has adopted but is not authorized to implement the HSWA rules that are listed below in lieu of EPA. EPA will continue to im-

plement the Federal HSWA requirements for which Utah is not authorized until the State receives specific authorization for those requirements.

Federal requirement	FEDERAL REGISTER reference	Publication date
Removal of Legally Obsolete Rules (HSWA provisions) (Revision Checklist 144)	60 FR 33912	6/29/95
Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbanate Wastes, and Spent Potliners (Revision Checklist 151).	61 FR 15566; 61 FR 15660; 61 FR 19117; 61 FR 33680; 61 FR 36419; 61 FR 43924; 62 FR 7502	4/8/96; 4/8/96; 4/30/96; 6/28/96; 7/10/96; 8/26/96; 2/19/97
Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers—formerly Revision Checklist 138 (Rule 154.1).	59 FR 62896	12/6/94
Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance (Revision Checklist 155).	62 FR 1992	1/14/97
Land Disposal Restrictions—Phase IV (Revision Checklist 157) .....	62 FR 25998	5/12/97

Federal requirement	FEDERAL REGISTER reference	Publication date
Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions (Conformance With the Carbamate Vacatur) (Revision Checklist 159).	62 FR 32974	6/17/97

(5) *Unauthorized State amendments.* The following authorized provisions of the Utah regulations include amendments published in the *Utah State Bulletin* that are not approved by EPA. Such unauthorized amendments are not part of the State's authorized program and are, therefore, not Federally enforceable. Thus, notwithstanding the language in the Utah hazardous waste regulations incorporated by reference at § 272.2251(b)(1), EPA will only enforce the authorized State provisions with

the effective dates indicated in the table below. The actual State regulatory text authorized by EPA for the listed provisions is available as a separate document, Addendum to the EPA-Approved Utah Regulatory Requirements Applicable to the Hazardous Waste Management Program, March 1999. Copies of the document can be obtained from U.S. EPA Region VIII, 999 18th St., Suite 500, Denver, Colorado 80202–2466, phone (303) 312–6139.

State provision	State reference	Unauthorized State amendments	
		State reference	Effective date
R315–2–1(b)(2)(ii) .....	9/24/86 .....	DAR 12647 .....	5/29/92
R315–7–11.3(b) .....	1/3/89 .....	DAR 12652 .....	5/29/92
R315–7–12.6(g) .....	Base .....	DAR 09632 .....	1/3/89

At R315–3–23(f)(3)(iv), Utah's analog to 40 CFR 270.33(b)(3)(iv), the State has a printing error in its regulations. The State will fix this error in its next rule making. For the codification, the authorized version of the provision will also be included in the Addendum to the EPA-Approved Utah Regulatory Requirements Applicable to the Hazardous Waste Management Program, March 1999.

(6) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VIII and the Utah Department of Environmental Quality, signed by the EPA Regional Administrator on October 4, 1994, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Statement of legal authority.* “Attorney General's Statement for Final Authorization”, signed by the Attorney General of Utah on January 16, 1984, and revisions, supplements and addenda to that Statement dated October 29, 1986, March 6, 1991, September 17, 1991, September 223, 1992, November 19, 1993, March 16, 1994, March 20, 1995, November 13, 1997, and March 2, 1999, are referenced as part of the authorized

hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(8) *Program description.* The Program description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[66 FR 58971, Nov. 26, 2002]